



**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION**

100 F Street, NE
Washington, DC 20549

DIVISION OF
ENFORCEMENT

Timothy K. Halloran
Senior Trial Counsel
Tel: 202-551-4414
Email: hallorant@sec.gov

August 4, 2023

VIA ECF

The Honorable Edgardo Ramos
United States District Judge
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: *SEC v. Sun, et al.*, Case No. 1:23-cv-02433-ER (S.D.N.Y.)

Dear Judge Ramos:

Plaintiff Securities and Exchange Commission ("SEC"), with the consent of Defendant Austin Mahone ("Mahone"), respectfully requests that the Court enter the attached proposed Final Judgment against Mahone.

The SEC and Mahone have reached a settlement regarding the SEC's claims against Mahone in this action. Attached hereto as Exhibit 1 is Mahone's executed Consent, setting forth the terms of his settlement with the SEC. Attached hereto as Exhibit 2 is the proposed Final Judgment as to Mahone that Mahone agreed to have entered by the Court.

The proposed Final Judgment would permanently enjoin Mahone from violating a touting provision of the federal securities laws; impose a three-year conduct-based injunction; order Mahone to pay disgorgement of \$7,507 plus prejudgment interest of \$682; and order Mahone to pay a civil penalty of \$37,535. The proposed Final Judgment is fair, reasonable, and in the public interest. *See SEC v. Citigroup Global Markets, Inc.*, 752 F.3d 285, 294 (2d Cir. 2014).

Accordingly, pursuant to the SEC's settlement with Mahone, the SEC respectfully requests that the Court enter the proposed Final Judgment attached hereto as Exhibit 2.

Respectfully submitted,

/s/ Timothy K. Halloran
Timothy K. Halloran

cc: Counsel of Record (via ECF)